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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

JOSH PATE,

Plaintiff,

v.

HOME DEPOT U.S.A., INC.,

Defendant.

Case No.

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Home Depot U.S.A., Inc. (“Defendant”) gives notice of its basis and provides its statement for removal of the above-captioned action, originally filed in the Superior Court for the State of Alaska, Third Judicial District at Anchorage, under Case No. 3AN-23-05813 CI. The basis for removal is diversity jurisdiction under 28 U.S.C. § 1332(a). The following statement is submitted in accordance with 28 U.S.C. § 1446.

JURISDICTIONAL REQUIREMENTS

1. 28 U.S.C. § 1441(a) provides that “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.”

2. 28 U.S.C. § 1332(a) provides in relevant part: “The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between — (1) citizens of different States[.]”

3. On April 24, 2023, Plaintiff filed his Complaint and Jury Demand

(“Complaint”) against Defendant. *See* May 17, 2023 Declaration of Brewster H. Jamieson (“Jamieson Decl.”), Ex. A (Complaint).

4. Plaintiff seeks damages in excess of \$2,000,000. Ex. A at 4. Thus, the amount in controversy in this matter exceeds \$75,000, exclusive of interest and costs, as required by 28 U.S.C. § 1332(a).

5. Plaintiff is an Alaska resident and citizen. Ex. A at 1.

6. Defendant Home Depot is a Delaware corporation with its principal place of business in Georgia. Defendant is a citizen of Delaware for purposes of diversity citizenship. Jamieson Decl. ¶ 4; 28 U.S.C. § 1332(c).

7. Because Plaintiff is a citizen of Alaska, and Defendant is a citizen of Delaware, complete diversity between the parties exists. In addition, Plaintiff seeks damages in excess of \$2,000,000, which exceeds the amount in controversy requirement for removal. Thus, this Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332, and this action is removable to this Court pursuant to 28 U.S.C. § 1441.

PROCEDURAL REQUIREMENTS

8. This Court is the United States District Court of the judicial district within which the state court action is pending. Venue is proper in this Court. 28 U.S.C. § 1441(a).

9. Defendant was served with the Summons and Complaint on April 28, 2023. Jamieson Decl. ¶ 3, Ex. B (Service of Process). Pursuant to 28 U.S.C. § 1446(b)(1), this Notice of Removal is timely filed within thirty (30) days after Defendant’s receipt of the Complaint and Summons.

10. Pursuant to 28 U.S.C. § 1446(d), a copy of this notice is being concurrently filed in the Superior Court of Alaska for the Third Judicial District at Anchorage and concurrently served upon Plaintiff.

11. Pursuant to 28 U.S.C. § 1446(a), copies of service of process, pleadings, and orders filed in the State Court Action are submitted herewith. Exs. A–B.

12. Removal of this action is not prohibited by 28 U.S.C. § 1445.

CONCLUSION

Based upon the foregoing, this Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332, and the claims should be adjudicated in this Court, as the action is properly removed thereto under 28 U.S.C. §§ 1441 and 1446.

DATED this 17th day of May, 2023

LANE POWELL LLC
Attorneys for Home Depot USA, Inc.

By s/ Brewster H. Jamieson
Brewster H. Jamieson, ABA No. 8411122

I certify that on May 17, 2023, a copy of the foregoing was served by ECF on:

Sara L. Bloom: sara@907lawyer.com

s/Brewster H. Jamieson

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